

## **Article VIIVD – “Neighborhood Preservation Overlay Zone”**

**Ordinance No. 816 – Approved by The Mayor and Common Council on November 8, 2010**

### **Frequently Asked Questions**

Below please a list of some of the questions that have been directed to the City in reference to the application of the new “Neighborhood Preservation Overlay Zone”. Each question includes an answer as to how the new law would be applied to properties placed into this new zone.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will the City regulate the color of my shutters?

**Answer:** No. The City doesn’t regulate color now, even for properties that are included in the City’s Historic District Zone.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will the Westminster Historic District Commission have jurisdiction over improvements I might decide to make to my house?

**Answer:** No, unless a property owner decides to request historic tax credits for renovation work. In this case, the Westminster Historic District Commission would be required to approve the project so the property owner could receive the 10% property tax credit. As noted, this is totally voluntary and provides substantial benefits to a property owner if they choose to take advantage of this tax credit.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property and I decide to convert my property to a rental, does this mean my property would be covered by Chapter 119 of the Westminster City Code entitled “Property Maintenance”?

**Answer:** Yes, any residential rental property is covered by Chapter 119, regardless of the zoning.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to remove and/or place landscaping, widen my driveway or other related work as I can do now?

**Answer:** Yes, there is no change.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to construct an addition to my house that would add bedrooms or bathrooms?

**Answer:** Yes, additions are authorized, within the setbacks of the underlying zone.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to rent my house?

**Answer:** Yes, the City does not control whether or not a property owner rents their house.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to add an in-law apartment.

**Answer:** The answer is a “depends”, but in most cases the answer is no. If the underlying zone is R-10,000, there is no provision in either the current or proposed law that allows the creation of a

second unit. It doesn't mean that an in-law or other person couldn't live in the house, but the issue is creation of a second unit. If the underlying zone is R-7,500, there is the possibility for some property owners to seek a second unit. The issue is dependent on the size of the lot. Based on research of the R-7,500 zoned property along Willis Street, it appears that approximately two properties are larger than 10,000 square feet and are in the R-7,500 residential zone.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to build either an attached or detached garage?

**Answer:** Yes, a garage is considered an accessory use to a residence.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to create professional offices in my house?

**Answer:** No. There is no provision for professional offices now and that wouldn't change in the future if the zoning is adopted.

**Question:** If the Neighborhood Preservation Overlay Zone is placed on my property, will I be able to have a home office?

**Answer:** Yes, a home office is fine. What would not be allowed is a home occupation, where a property owner generally seeks to convert their property into a business-focused property. A property owner may currently make the request, but the final decision is by special exception, which requires Board of Zoning Appeals approval.

**Question:** Can the Mayor and Council amend an application for sectional zoning map amendment to add properties?

**Answer:** Yes, an additional hearing is not required.

**Question:** Could a person buy a property that is zoned either R-10,000 or R-7,500 residential zone, demolish the current house and request approval of a Special Exception to use the property for age-restricted housing at 16 units per acre?

**Answer:** Yes

**Question:** If the Neighborhood Preservation Overlay Zone is adopted, will my property lose its nonconforming status?

**Answer:** No, a nonconforming property would continue to be nonconforming.

**Question:** Does having a use listed as a Special Exception Use guarantee that I can actually use my property for that use?

**Answer:** Having a use listed as a Special Exception Use only guarantees that you can make the request.

**Question:** Could a fraternal organization buy a property on Willis Street that is zoned either R-10,000 or R-7,500 residential zone under current law and request approval of a Special Exception to use the property for their meeting hall?

**Answer:** Yes.